

REMARKS

The present Amendment responds to the final Office Action dated January 3, 2007. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by April 3, 2007. Filed concurrently herewith is a one-month extension of time, making the present Amendment timely if filed by May 3, 2007.

In the Office Action, claims 1-17 were pending. Applicants note with appreciation that the Examiner has rejoined claims 13-16 to the application and has now withdrawn the restriction requirement set forth in the Office action mailed on March 23, 2006.

The Examiner maintains the Double Patenting rejection of the claims over claims 1-24 of U.S. Patent No. 6,710,092. However, the Examiner states that the claims would be allowable if a terminal disclaimer overcoming the obviousness-type double patenting rejection is submitted. Accordingly, Applicants submit herewith form PTO/SB/26 along with the Terminal disclaimer fee under 37 CFR 3.73(b).

In addition, the Examiner will note that Applicants have amended various claims and portions of the specification to correct various spelling, grammatical, and other typographical errors. Since these amendments relate to informalities, they are believed to be permissible and in accordance with 37 CFR 1.116(a).

Based upon the foregoing then, Applicants submit that the pending claims are in condition for allowance and the Examiner is courteously solicited to pass this application on to allowance. No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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